REMARKS

Claims 1-22 are currently pending in the present application. Claims 5 and 13-19 are currently withdrawn from consideration. Claim 1 has been amended and support can be found, for example, in the specification at paragraph [0022]. Claim 22 is amended to correct antecedent basis. No new matter is added.

Election/Restriction

Applicants would like to thank the Examiner for the rejoinder of claim 9.

Examiner Interview

The Applicants would like to thank Examiner Cameron for the interview with Zeba Ali (Reg. No. 51,392) and Jocelyn D. Ram (Reg. No. 54,898) on February 21, 2008. In this interview, the proposed amendment to claim 1 submitted herein was discussed. The Examiner agreed that there was adequate support in the figures and paragraph [0022] of the specification for this amendment to overcome the new matter rejection. The Examiner further agreed that this amendment to claim 1 would overcome the clarity rejection. Thus, Applicants believe the rejections under 35 USC 112, 1st paragraph and 2nd paragraph should be withdrawn.

Rejection under 35 USC 112, 2nd paragraph

Claims 1-4, 6-12 and 20-22 are rejected under 35 USC 112, 2nd paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner requests clarification of what is meant by "different." Although Applicants believe claim 1 is clear as previously presented, to expedite matters, claim 1 has been amended to clarify that the portions are at different *locations* on the outer surface of the medical device. Thus, applicants believe this rejection should be withdrawn.

Rejection under 35 USC 112, 1st paragraph

Claim 1 is rejected under 35 USC 112, 1st paragraph, as allegedly failing to comply with the written description requirement. The Examiner states that "wherein the

first portion and second portion are different" is new matter. However, support for this limitation, and the clarification of this limitation added in the current amendment, can clearly be found in paragraph [0022] of the specification with reference to Figures 1, 2, and 4. Figure 1 shows the first portion 20 comprised of distal section 50 and medial section 60 and shows the second portion 30 comprised of proximal section 70. Figure 2 shows the first portion 20 and second portion 30 being adjacent to each other with respect to the longitudinal axis. Figure 4 shows the first portion 20 and the second portion 30 disposed in a checkerboard fashion. Additionally, further support can be found in original claim 7 and paragraph [0015] of the specification, which describes the first portion being located at a first area of the target site and the second portion being located in a second area of a target site, such as in a bifurcation in a blood vessel. Clearly if the first and second portion are located at different areas of the target site, they must be in different locations on the outer surface of the medical device. Therefore, there is more than adequate support for the first and second portions being at different locations on the outer surface of the medical device.

Allowable Subject Matter

The Applicants would like to thank the Examiner for the withdrawal of the rejection of claims 1, 3, 4 and 6 under 35 U.S.C. §102(b) for being allegedly anticipated by U.S. Patent 5,679,400 to Tuch ("Tuch") and for the withdrawal of the rejection of claims 2, 7, 8 and 10-12 under 35 U.S.C. §103(a) for being allegedly rendered obvious by Tuch.

As there are no pending art rejections, Applicants believe the claims are now allowable. Tuch describes a method of coating stents by repeatedly applying multiple thin coats of a drug solution to the *same portion* of a stent and weighing the stent, until the target dosage is reached. Independent claim 1 recites applying a first desired amount of therapeutic agent to a first portion, determining how much of the therapeutic agent was actually applied, and then applying a second amount of therapeutic agent to a second portion, wherein the second amount is the difference between the first desired amount and the first actual amount, and the *first and second portions are at different locations on the outer surface of the medical device*. Tuch does not provide any disclosure of

applying successive coats to *different portions* of the stent. Furthermore, there is no teaching or suggestion in Tuch to modify the method to sequentially coat two *different* portions of the stent.

CONCLUSION

It is respectfully submitted that the present application is now in condition for allowance, which action is respectfully requested. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of the subject application.

Any fees for extension(s) of time or additional fees required in connection with the filing of this response, are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is authorized to charge any such required fees or to credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON, LLP

Date: February 26, 2008

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